

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re:	Daniel Baertschi et al.	Confirmation No.: 5005
Serial No.:	10/594,610	Examiner: Jill E. Culler
Filing Date:	September 28, 2006	Group Art Unit: 2854
Docket No.:	1322.1130101	Customer No.: 28075
For:	INK FOUNTAIN FOR A PRINTING MACHINE	

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REPLY BRIEF UNDER 37 C.F.R. § 41.41

CERTIFICATE FOR ELECTRONIC TRANSMISSION:

The undersigned hereby certifies that this paper or papers, as described herein, are being electronically transmitted to the U.S. Patent and Trademark Office on this 23rd day of November 2010.

By



Kathleen L. Bookley

Dear Sir:

Pursuant to 37 C.F.R. § 41.41, Appellants hereby submit this Reply Brief in furtherance of the Notice of Appeal filed on May 3, 2010, of the Notice of Panel Decision from Pre-Appeal Review dated June 3, 2010, and of the Examiner's Answer of October 1, 2010. No fee is believed due. Permission is hereby granted to charge or credit Deposit Account No. 50-0413 for any errors in fee calculation.

RESPONSE TO EXAMINER'S ANSWER

The arguments in this Reply Brief are intended to supplement and be read in conjunction with those of the Appeal Brief. In particular, the arguments herein are in response to the Response to Arguments section that begins on page 8 of the Examiner's Answer. The substance of the rejections does not appear to have changed since the Final Office Action of February 1, 2010.

In the Examiner's Answer, the Examiner addresses the teachings of Cartellieri. Appellants have maintained that Cartellieri does not teach "a blade which is interposed between said sectors and the circumference of the ink fountain roller" as recited in claim 16 or claim 23. In brief, the blade 3 of Cartellieri is not interposed between the metering elements 11, 12, 13 and the ink fountain roller 1. The Examiner is arguing, incorrectly, that this interpretation runs counter to the teachings of Cartellieri.

The Examiner writes, "That is, as clearly shown in Figures 1, 5 and 6 which have not been reproduced as part of appellant's argument, the metering elements bear on the doctor blade 3, and the blade bears on the screen roller 1. Therefore, it is considered that the blade is interposed between the sectors and the screen roller..." This is mistaken; those figures do not show that the metering elements bear on the blade. Indeed, Figures 1 and 6 do not show the metering elements 11, 12 13 at all.

With respect to Figure 5, Cartellieri directly contradicts the Examiner's assertions that the metering elements bear on the blade. Cartellieri writes, "For the purpose of continuously adjusting the accumulation angle β , the metering element 11 is pivotable above a rotary joint 20 of the mounting," and "A sliding joint 21 belonging to the mounting permits continuous displacement of the metering element 11 away from the working doctor blade 3 into a position 11c in order to lengthen the accumulation chamber 19, and back into the position 11a again to shorten the accumulation chamber 19." Column 5, lines 6-8 and 14-20.

Thus, Cartellieri's teaching that "the metering elements 11, 12 and 13 are arranged very close to a wiping edge of the working doctor blade 3" merely means that the metering elements are very close, not that the metering elements bear on the working doctor blade as the Examiner contends. Column 4, lines 10-12.

The metering elements 11, 12, 13 of Cartellieri interact directly with the surface 18 of the roller 1 to produce a desired thickness of ink. See Figure 4 and column 4, lines 18-55. There is

therefore nothing besides ink interposed between the metering elements 11, 12 and 13 and the roller 1.

Appellants therefore respectfully maintain that the Examiner's interpretation of Cartellieri is mistaken and that when Cartellieri is understood correctly, it can be seen that the claims are patentable over the cited prior art as explained in the Appeal Brief.

CONCLUSION

For the reasons stated above as well as those previously given in the Appeal Brief, the claims are nonobvious over the cited art, and the Examiner's rejections of claims 16-23 under 35 U.S.C. §103(a) should be overruled.

Respectfully submitted,

Daniel Baertschi et al.

By their attorney,

Date:

Nov. 23, 2010



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